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ACTS

PASSED AT THE CALLED SESSION OF THE

GENERAL ASSEMBLY,

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE STATE CAPITOL, AT TUSCALOOSA,
ON THE THIRD MONDAY IN APRIL, 1841.

ARTHUR P. BAGBY, *Governor.*

J. L. F. COTTRELL, *President of the Senate.*

R. A. BAKER, *Speaker of the House of Representatives.*

Copy 1

Tuscaloosa:

HALE & PHELAN, PRINTERS.

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1841.



LAWS OF ALABAMA.

[No. 1.]

AN ACT

1841.

For a Special Election for electing Members to the Twenty-Seventh Congress, and
for other purposes.

WHEREAS, the Proclamation of the President of the United States has required the Congress of the United States to assemble at the Capitol, in Washington City, on the thirty-first day of May next: and whereas, the term of office for which the members from this State, to the last Congress, expired on the fourth day of March last: and whereas, there is no law authorizing the election of members to Congress, prior to the first Monday in August next; which, unless remedied, will leave this State unrepresented in the approaching session of Congress, convoked as aforesaid; therefore,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor shall forthwith issue his proclamation, ordering an election to be held for five members to the twenty-seventh Congress, by the sheriffs of the several counties in this State on a day not less than twenty days after the date of such proclamation; which said election shall be held in the same manner, and the sheriffs of the several counties in this State shall be subject to the same duties and penalties, as if the election had been holden for said members of Congress under the existing laws, at the next general election; except in so far as the provisions of the same are inconsistent with the provisions of this act.

Governor to issue proclamation for special election.

Sec. 2. *And be it further enacted,* That the Governor shall cause his proclamation to be published in all the newspapers printed in the city of Tuscaloosa, and in one newspaper in each county in this State, where one is published; and shall therein direct the sheriffs of the several counties in this State to put up a written notice of said election, at each election precinct in their respective counties.

To be published.

Sheriffs to
make return
within ten
days.

Sec. 3. *And be it further enacted,* That the sheriffs of the several counties of this State shall, within ten days after the election for members of Congress shall be held, make their respective returns of such election, by sending them carefully enveloped and sealed, by a special messenger, addressed to the Governor of the State; and shall respectively, they and their securities, be subject to a penalty of one thousand dollars, recoverable by action of debt, to be prosecuted by the attorney general or the proper solicitor, in the circuit court of the proper county, in case they fail to do so, within the time prescribed as aforesaid.

Governor, &c
to count votes
and declare
who are elec-
ted.

Sec. 4. *And be it further enacted,* That as soon as all the returns of said election for representatives to Congress are received, or at the expiration of ten days from the election, it shall be the duty of the Governor, in the presence of the Secretary of State, Comptroller, and Treasurer, or any two of them, to open the returns of the election, and count them; and it shall be his duty to declare by proclamation, with all convenient despatch thereafter, what persons have been elected representatives to Congress. He shall also cause to be made out and published, a statement of the names voted for, and the aggregate number of votes which each person received; and it shall further be the duty of the Governor to furnish members elect with certificates of their election, under the great seal of the State; and in case of a tie or vacancy, by death, resignation, or otherwise, he shall order an election under the provisions of the existing law.

In case of va-
cancies.

Sec. 5. *And be it further enacted,* That in all cases of a vacancy in the representation of this State, which may hereafter occur, the Governor shall issue his proclamation, and the election shall be holden according to the provisions of this act.

Election, how
conducted.

Sec. 6. *And be it further enacted,* That the election holden under this act, shall in all respects, be subject to and governed by and conformed to the provisions of an act entitled an act to establish the general ticket system in elections for representatives in Congress from the State of Alabama, approved, January first, one thousand eight hundred and forty-one, to which this act is an amendment.

Managers to
indorse for or
against gene-
ral ticket sys-
tem.

Sec. 7. *And be it further enacted,* That at the next general election in August, the managers at election precincts throughout the State, shall inquire of each voter, as he hands in his ticket, whether he is for or against the general ticket system, in the election of members of Congress from this State; and that they shall indorse or cause to be indorsed on the back of each ticket, for the "*General Ticket*," or "*District System*," as the voter may answer; and that return thereof be made at the time and manner herein provided.

Approved, April 27, 1841.

[No. 2.]

AN ACT

To amend the Charters of the Bank of the State of Alabama and its Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the suspension of specie payments by the Bank of the State of Alabama and its several Branches, be, and the same is hereby sanctioned, until otherwise provided by law. Further suspension authorized.

Sec. 2. *And be it further enacted,* That the thirteenth section of an act entitled "An act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same, and for other purposes," be, and the same is hereby suspended, until otherwise provided by law; so far as the same applies to the Bank of the State of Alabama and its Branches. Repeal.

Approved, April 27, 1841.

[No. 3.]

AN ACT

To amend the Charter of the City of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be necessary for the mayor and aldermen of the city of Tuscaloosa, to cause real estate upon which taxes may be due and unpaid, to be advertised at the end of each year, for three years successively, as is now required by the charter of the said city; but that, when the said mayor and aldermen shall acquire a lien upon any real estate in the said city, in pursuance of the charter, for taxes due to the said city upon such real estate, it shall be lawful to cause such real estate, or so much thereof, as shall be necessary to pay the taxes and costs thereon, to be sold under such regulations as the mayor and aldermen may provide, at the end of one year after the accruing of each lien: *Provided,* that six months public notice of such sale shall be given: *And provided further,* that the owner or owners of such real estate so sold under the provisions of this act, may have the privilege of redeeming the same, by making application to do so to the said mayor and aldermen, within one year after said sale, and paying all costs and charges thereon; and every sale made under this act, shall be upon the condition last mentioned, to be made known publicly at the time of sale. Charter amended.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, April 28, 1841.

[No. 4.]

AN ACT

To amend the Charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile.

Amount of
gold and sil-
ver to be on
hand in July,
&c.

Proviso.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile, shall severally own, and have deposited in their vaults, in gold and silver, on the first day of July, in each and every year, one half the amount of its immediate liabilities on notes issued: *Provided,* the amount of specie which each of said Banks shall be so required to keep on hand, shall not exceed one-fourth of their capital stock; and that the said Bank of Mobile and Planters' and Merchants' Bank of Mobile, are hereby required to keep on hand as nearly as possible, the amounts hereinbefore specified, after the times before mentioned.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contrary to the foregoing, be, and the same are hereby repealed.

Approved, April 27, 1841.

[No. 5.]

AN ACT

To change the time of holding the Chancery Court for the Southern Division at Monroeville.

Time chang-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the court of chancery at Monroeville, shall be held on the first Mondays after the fourth Monday in May and November, in each and every year, instead of the time heretofore required by law; and may continue in session one week, if necessary.

Approved, April 28, 1841.

[No. 6.]

AN ACT

To authorize the owners of the Steam Mill, on Poplar Creek, in Franklin County, to charge the sixth for Toll.

May charge
one sixth for
toll.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall and may be lawful, for the owners of the steam mill, on Poplar creek, in Franklin county, to charge the sixth for toll for grinding; and should the said mill be moved to a different place, they shall have the same privilege; any law to the contrary notwithstanding.

Approved, April 27, 1841.

[No. 7.]

AN ACT

To amend the Charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile, shall severally own and have deposited in their vaults, in gold and silver, on the first day of July, in each and every year, one half the amount of its immediate liabilities on notes issued: *Provided,* the amount of specie, which each of said Banks shall be so required to keep on hand, shall not exceed one-fourth of the capital stock upon which they respectively do business; and that the said Bank of Mobile, and Planters' and Merchants' Bank of Mobile, are hereby required to keep on hand, as nearly as possible, the amounts herein before specified, after the times before mentioned. Par funds.
Proviso.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contrary to the foregoing, be, and the same are hereby repealed. Repeal.

Approved, April 26, 1841.

[No. 8.]

AN ACT

To amend an act entitled an act, to incorporate the Town of Decatur, in the County of Morgan, approved, ninth January, eighteen hundred and forty-one.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act, entitled an act to incorporate the town of Decatur, in the county of Morgan, approved, December fourteen, eighteen hundred and forty, as authorizes the levy of a poll tax on all white male citizens, over ten and under fifty years of age, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted,* That a poll tax not exceeding one dollar, may be levied on all white male citizens within the limits of said town, not under twenty-one nor over forty-five years of age. Poll tax.

Sec. 3. *And be it further enacted,* That the corporate limits of said town of Decatur, be changed and altered as follows, to wit: beginning at the lower part of said town, at the residence of Alexander Ross, and running thence to the rail road, where the same is intersected by Fayette street, and following said street, until it arrives at the lot of Henry Bibb; thence around his lot, so as to include the same; thence to the Steam Factory; as directed in the act to which this is an amendment, and in all other respects being the same as is therein directed. Corporate limits changed.

Sec. 4. *And be it further enacted,* That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, April 28, 1841.

[No. 9.]

AN ACT

To abolish Encampment Drills, in the Tenth Brigade, Ninth Division, of Alabama Militia, and for other purposes.

Camp drills
abolished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, so much of the military law as requires annual brigade encampment drills in the tenth brigade, ninth division, be and the same is hereby repealed.

Abolished.

Sec. 2. *And be it further enacted,* That the provisions of the first section of this act, shall extend to the first brigade, of the first division, of the Alabama militia; and twentieth brigade of the second division of Alabama militia.

Approved, April 27, 1841.

[No. 10.]

AN ACT

To repeal in part, an act in relation to Sixteenth Sections, approved third of February, eighteen hundred and forty.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the first section of an act in relation to sixteenth sections, approved the third of February, eighteen hundred and forty, as exempts the counties of Henry, Tuscaloosa, Talladega, Cherokee and De Kalb, from the operations of said act, be and the same are hereby repealed.

Approved, April 26, 1841.

[No. 11.]

AN ACT

To authorize Attorneys at Law residing in the Territory of Florida, to practice law in the several courts of this State.

Preamble.

Whereas, the Legislative council of the Territory of Florida, have passed an act authorizing all persons who have obtained license to practice law in the courts of this State, to practice in the several courts of law, in said Territory; which said act is to take effect, and be in force from and after the passage of a similar act on the part of the State of Alabama; therefore,

Licensed at-
torneys in
Florida may
practice in
Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who may have obtained a license to practice law in the Territory of Florida, is hereby authorized and licensed to practice in the several courts of law of the State of Alabama.

Approved, April 27, 1841.

[No. 12.]

AN ACT

To levy a Special Tax in the County of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue for the county of Limestone, at the May term of the commissioners' court, in the year eighteen hundred and forty-one, and at the May term of eighteen hundred and forty-two, the one half at each term of said court, be, and the same are hereby authorized to levy a special tax on the persons and property of the citizens of said county, for the purpose of building a jail in said county of Limestone; and also to levy an additional tax not exceeding seven hundred dollars, payable in two equal annual instalments, for the purpose of defraying county charges. Tax to be levied to build jail.

Sec 2. *And be it further enacted,* That the assessor and tax collector of said county, shall be required to give to the said court, a bond with sufficient security, in a sufficient amount to insure a faithful performance of the collection of the same, and for his services shall receive the same compensation as is now authorized by law. Collector to give bond.

Approved, April 28, 1841.

[No. 13.]

AN ACT

For levying a Special Tax in the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court of Russell county, and the commissioners of roads and revenue of said county, or a majority of them, at the first session of the commissioners' court, or at any subsequent session of said court, shall have power, and are hereby authorized and required to levy a special tax in said county, for the purpose of paying any balance against the county, for the building of the jail in said county of Russell. Tax levied.

Sec. 2. *And be it further enacted,* That this act shall take effect from its passage.

Approved, April 27, 1841.

[No. 14.]

AN ACT

To repeal an act entitled an act to raise a fund for the payment of Jurors for the County of Pike, approved, twenty-first of December, eighteen hundred and forty, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to raise a fund for the payment of jurors for the county of Pike, approved, December twenty-first, eighteen hundred and forty, be and the same is hereby repealed. Repeal.

Approved, April 28, 1841.

To amend the Laws in relation to the Harbor of Mobile.

Preamble.

Whereas, divers and grievous complaints have been made of the captains and masters of vessels, coming into the harbor of Mobile, and throwing stone, gravel and other ballast from on board their vessels, to the great detriment of said harbor: and whereas, the laws heretofore enacted have been found altogether inefficient to prevent such offences; therefore,

Penalty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, if any captain or master of any ship, vessel, or other water craft, which shall hereafter come into the bay or harbor of Mobile, shall throw from on-board, or cause, permit, or allow to be thrown from on board such ship, vessel, or other water craft, into the waters of said bay or harbor, any stone, gravel, or other ballast, he shall forfeit and pay for every such offence the sum of two thousand dollars, and be imprisoned for a period not exceeding three months, nor less than three days, at the discretion of the court, wherein such offender shall be sued; one half of said forfeiture to be paid to the first person, who shall, on oath, before either of the officers hereinafter named, give information of such offence, and the other half to the harbor master and port wardens of the port of Mobile.

How recovered.

Sec. 2. *And be it further enacted,* That the said forfeiture may be sued for and recovered, by the harbor master and wardens of the said port of Mobile in any court having cognizance of the amount sued for, by process of attachment, to be issued in the same manner, and subject to the same rules of construction, provided and established in other cases of attachment; the said attachment to be issued by either of the officers hereinafter named, and to be levied upon the ship, vessel or other water craft, the captain or master of which shall be the alledged offender: *Provided, however,* that oath be first made by the informer, or other credible person, of the commission of the offence, before some judge or justice of the peace, or clerk of the county or circuit court of the county of Mobile: *And provided also,* that the said ship, vessel or other water craft may be replevied on, the captain, master, or consignee thereof giving bond with good and sufficient sureties, to be approved by the officer issuing the attachment, in treble the amount of the forfeiture or penalty sued for, conditioned for the forthcoming of the said ship, vessel, or other water craft, to satisfy such judgment as shall be recovered in the suit.

Proviso.

Proviso.

Duty of Pilot, &c.

Sec. 3. *And be it further enacted,* That it shall be the duty of every pilot, and deputy pilot, of the bay and harbor of Mobile, to inform the harbor master and port wardens of Mobile, of every violation of this act coming to their knowledge, as soon as possible after knowing thereof; and every pilot or deputy pilot knowing such offence to have been committed and failing to give such

information, shall forthwith be deprived of his license, and be forever thereafter disqualified for the office of pilot or deputy pilot of the said port and harbor of Mobile.

Sec. 4. *And be it further enacted*, That all laws contravening or impairing the provisions of this act, be, and are hereby repealed: *Repeal.*
Provided however, that all suits commenced, or liabilities heretofore incurred, shall in no manner be affected by this act. *Proviso.*

Approved, April 28, 1841.

[No. 16.]

AN ACT

To incorporate the Warrenton Male and Female Academy, in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a male and female academy be, and the same is hereby incorporated in the town of Warrenton, in the county of Dallas, to be styled and known in law, as the Warrenton Male and Female Academy; and that John H. D. Wommack, Willis Cave, James E. Sodd, Allen W. Coleman, Harry H. Wommack, William G. McKinnie, and their successors in office, be, and they are hereby declared a body politic and corporate, by the name and style of the Warrenton Male and Female Academy; and as such shall be capable in law or equity, to sue and be sued, plead and be impleaded, and shall be authorized to make such by-laws, and regulations as shall be deemed necessary and expedient for the good government of said academy; and for that purpose may have and use a common seal, and alter the same, appoint such officers as they may deem proper, and remove the same for improper conduct, or neglect of duty: *Provided*, such by-laws and regulations as are herein authorized to be made, be not repugnant to the laws and constitution of this State and of the United States. *Body politic.*
Name and style.
Powers.
Proviso.

Sec. 2. *And be it further enacted*, That the said body corporate is hereby empowered to accept of, and be invested with property, real and personal, or mixed, also all donations, gifts, grants, and immunities, which may be made or granted to said body corporate, or which may be hereafter conveyed or transferred to them or their successors in office, to have and to hold the same, for the proper use, benefit, and behoof of said academy: *Provided*, the same shall not exceed in value forty thousand dollars. *To hold property.*

Sec. 3. *And be it further enacted*, That when any vacancy shall occur by death, resignation or otherwise, of any of the trustees of said academy, the successors or residue of said trustees shall fill the same in such manner, as shall be pointed out by the laws and regulations of said incorporation. *Vacancies.*

Sec. 4. *And be it further enacted*, That all property owned by the said trustees, in their aforesaid corporate capacity, shall be vested in said body corporate in perpetuity for the use of said academy. *Property vested in Trustees.*

Approved, April 28, 1841,

[No. 17.]

AN ACT

To increase the Revenue Fund.

Fund increas-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twelve thousand dollars be, and the same is hereby appropriated, from the profits of the Bank of the State of Alabama and its several Branches, to enable the Treasury to meet the demands against it, during the ensuing year.

How propor-
tioned.

Sec. 2. *And be it further enacted,* That the said sum of twelve thousand dollars shall be paid by the said State Bank and its Branches, in sums proportioned to their respective capitals, and deposited to the credit of the Treasurer of the State, in the Bank of the State of Alabama, by the first day of July next; to be drawn from said Bank under the same rules and regulations now applying to the revenue fund; and that the Cashier of the State Bank notify the several Branch Banks of the same.

Approved, April 28, 1841.

[No. 18.]

AN ACT

To alter and amend the several acts in relation to Public Roads, in the County of Mobile.

Duty of road
commission-
ers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the road commissioners of Mobile county, at their first meeting after the passage of this act, to cause the public roads in said county to be laid off in districts, of not less than five nor more than ten miles in length; and to appoint three individuals in each company beat, beyond the corporate limits of the city of Mobile, to apportion the hands liable to work on the road, to the several districts on each road in their respective company beats; taking care at all times to apportion each individual to the road, and district nearest his place of residence, or that, at which his hands reside, who shall be required to work not exceeding six days in each and every year, in lieu of the road tax now imposed.

Overseers.

Sec. 2. *And be it further enacted,* That it shall be the duty of said road commissioners to appoint a suitable number of overseers of the roads; but in no instance shall any individual be compelled to act as overseer in more than two districts; nor for a greater length of time than two years in succession.

Penalty for
refusal to
work.

Sec. 3. *And be it further enacted,* That any person summoned by the overseer in person, or by writing delivered or left at his usual place of residence, three days previous to the day on which he is required to work, who shall refuse or neglect to attend and perform the work or furnish the hands he may have subject to work on public roads, for each day's work, he or they shall be subject to a fine of one dollar for each day's work, he or they may have failed to perform.

Sec. 4. And be it further enacted, That the same proceedings shall be had for the collection of road fines in the county of Mobile, as are had for the collection of said fines in other counties in this State. Proceedings.

Sec. 5. And be it further enacted; That the road taxes hereafter collected in Mobile county, shall first be appropriated to the erection and repair of bridges: *Provided,* that this act shall not be so construed as to prevent the said road commissioners from applying any balance of the road fund not needed for the repair of bridges to the improvement of the roads in said county of Mobile. Fines, how appropriated.

Approved, December 28, 1841.

[No. 19.]

AN ACT

Incorporating the Benton Guards, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* The the company of volunteers in the county of Lowndes, known and called the Benton Guards, be, and is hereby incorporated and created a body corporate, by the name and style of the Benton Guards, with the usual powers, usual and incident to bodies corporate. Incorporated.

Sec. 2. And be it further enacted, That said company shall have power to form and adopt rules and regulations for the government of said company, as they may deem proper and expedient; the same not being repugnant to the constitution of the United States, nor laws and constitution of this State. Powers.

Sec. 3. And be it further enacted, That said company shall consist of not less than forty, nor more than one hundred members, exclusive of officers commissioned; and the officers of said company, shall be one captain, three lieutenants, four sergeants, and four corporals. Number.

Sec. 4. And be it further enacted, That said company shall uniform themselves, within six months, after the passage of this act, and no member of this company shall withdraw therefrom, without the consent of the officers thereof, in commission, and the consent of a majority of said company; unless the applicant shall remove more than ten miles; from the muster ground of said company. And said company shall have six company drills in the year, and be at all times equipped and prepared for actual service; in consideration of which services, the members of said company, shall be exempt from duty in the militia, save at brigade encampment drills, and shall also be exempt from service on juries. To be uniformed.

Sec. 5. And be it further enacted, That said company shall continue and exist for seven years, and thereafter said company shall be exempt from duty, either as volunteers or militia; except in times of imminent danger, insurrection or invasion. Privileges.

Members. Sec. 6. *And be it further enacted,* That any person residing within ten miles of the town of Benton, in Lowndes county, may become members of said company, whether residing in Lowndes or an adjoining county.

Attached to 13th brigade. Sec. 7. *And be it further enacted,* That said company, shall be and is hereby attached to the thirteenth brigade, fifth division, Alabama militia.

Extended to Wetumpka Borderers. Sec. 8. *And be it further enacted,* That so much of this act as exempts the members of said company from serving on juries, shall also apply to the Wetumpka Borderers, a volunteer company in the city of Wetumpka.

Approved, April 28, 1841.

[No. 20.]

AN ACT

To incorporate and extend the powers of the Alabama Medical Society.

Incorporation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Alabama Medical Society is hereby declared a body corporate and politic, by the name and style of the Alabama Medical Society; and under this name shall have perpetual succession of officers, sue and be sued; plead and be impleaded, and have a common seal, with power to change or alter the same at pleasure.

Powers. Sec. 2. *And be it further enacted,* That said society, shall be, and is hereby empowered, to adopt a constitution and pass such by-laws, as may be deemed necessary for its good government; the same not being repugnant to the constitution and laws of this State, nor of the United States.

May hold property. Sec. 3. *And be it further enacted,* That said society be, and is hereby authorized, and empowered, to hold by purchase, gift, grant, or otherwise, property, real, personal and mixed, not exceeding in value sixty thousand dollars, and to sell and dispose of the same at pleasure.

Transfer of powers. Sec. 4. *And be it further enacted,* That the powers and privileges of the Medical Board of the town of Selma, be, and are hereby transferred to, and vested in said society; and said society shall have the right to grant diplomas and exercise such other powers, as are incident to institutions incorporated for the promotion of medical science: *Provided,* that in no case shall said society exercise banking privileges.

Name and style, Sec. 5. *And be it further enacted,* That the members of this society shall be known and styled, Fellows of the Alabama Medical Society.

Approved, April 28, 1841.

[No. 21.]

AN ACT

To establish the permanent Seat of Justice for the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff of Russell county, Election to be on the first Monday in July next, giving at least fifteen day's notice thereof, to cause an election to be holden at the different precincts in said county, for the place of the permanent seat of justice in the same.

Sec. 2. *And be it further enacted,* That the towns of Crockettsville, Girard, and Centre, be put in nomination, and if no one place receive a majority of the votes given in the county, then it shall be his duty to hold a second election on the first Monday in August thereafter, giving at least ten day's notice; at which second election, the two places receiving the highest number of votes, only shall be put in nomination; and the place so chosen, shall be the permanent seat of justice for said county.

Sec. 3. *And be it further enacted,* That each white male citizen, who on the day of election, shall have been thirty days an inhabitant of the county, and who shall have attained the age of twenty-one years, shall be deemed and held a qualified voter in said election.

Approved, April 26, 1841.

[No. 22.]

AN ACT

For the Collection of Taxes in the County of Marengo, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it may be lawful for the judge of the county court of Marengo county, or said judge and commissioners of roads and revenue in said county, to appoint an assessor of taxes, in each beat in said county, where no assessment shall have been made; and that said assessor or assessors, shall in all things comply, with the requisitions of an act, to which this act is an amendment; except that said assessors, shall be allowed until the first day of June next, to file their books of assessment, with the clerk of the county court of said county; whose duty it shall be to furnish the sheriff of said county immediately with certified copies.

Sec. 2. *And be it further enacted,* That all the assessors appointed by this act, or the one to which this is an amendment, shall within ten days after notice of his or their appointment, give his or their bonds, as required by the act, to which this act is an amendment, or he or they shall forfeit and pay one hundred

dollars, to the use of the county; which may be recovered, on motion, in any court of record, he or they having had one day's notice, of said motion; unless he or they shall immediately, on reception of notice, file his or their excuse, for non-acceptance of the same, with the clerk of the county court; and said excuse shall be deemed sufficient by the judge of the county court.

Sheriff allowed time. Sec. 3. *And be it further enacted*, That the sheriff be allowed until the first day of August next, to collect the taxes in the company beats, where no assessment was made in the year eighteen hundred and forty.

Vacancies. Sec. 4. *And be it further enacted*, That hereafter, whenever any vacancy may occur in the office of assessor, the judge of the county court and commissioners of roads and revenue, may at any time fill the same.

Washington county. Sec. 5. *And be it further enacted*, That the sheriff of Washington county be allowed until the first of August next, for the collection of the taxes of eighteen hundred and forty, and for final settlement of the same.

Approved, April 27, 1841.

[No. 23.]

AN ACT

To change an election precinct in the County of Dallas, and for other purposes.

Dallas. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precinct at Woodlawn, in the county of Dallas, be abolished; and one in lieu thereof, is hereby established at the house of Moses Jones, in said county.

Tallapoosa. Sec. 2. *And be it further enacted*, That an election precinct heretofore established at the house of Robert Espy, in the county of Tallapoosa, be, and the same is hereby abolished; and one be established in lieu thereof at the Kialija post office.

Approved, April 27, 1841.

[No. 24.]

AN ACT

To amend an act entitled an act authorizing an election of an Assessor and Tax Collector for the County of Benton.

Sheriff to collect taxes. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the sheriff of Benton county, and he is hereby required to collect all taxes which are or may become due, for the present year, and answer for the same, as now required by law; any law to the contrary notwithstanding. This act to take effect from its passage.

Approved, April 26, 1841.

[No. 25.]

AN ACT

To amend and explain an act entitled, an act to authorize the Commissioners of Township sixteen, Range seventeen, of Montgomery County, to erect a suitable building for an Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of the cost limited in the above recited act, approved, January first, eighteen hundred and forty-one, to three hundred dollars, be construed to read and mean three thousand dollars. Amendment.

Approved, April 26, 1841.

[No. 26.]

AN ACT

For the payment of the Members of the present General Assembly, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of ten thousand dollars, be, and the same is hereby appropriated, for the payment of the members of the present General Assembly, and the officers of the same.

Sec. 2. *And be it further enacted,* That the sum of one hundred and twenty-five dollars, each, is hereby appropriated, to the Secretary of the Senate, and Clerk of the House of Representatives, for bringing up the journals, and arranging the papers after the adjournment.

Sec. 3. *And be it further enacted,* That the sum of one hundred and fifty dollars be appropriated to the Secretary of State, for superintending the printing of the laws and journals of the present session, and indexing the laws.

Sec. 4. *And be it further enacted,* That the sum of two thousand dollars, is hereby appropriated and added to the contingent fund, for the present year.

Approved, April 27, 1841.

[No. 27.]

AN ACT

To compensate Daniel Goree.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty dollars, be, and the same is hereby appropriated to Daniel Goree, for prosecuting to conviction, before the circuit court of Tuscaloosa county, Joseph Salisbury, charged with stealing a mule.

Approved, April 28, 1841.

[No. 28.]

AN ACT

Amendatory of an act entitled, an act to alter and amend the law for Assessing and Collecting the Taxes in the County of Butler, approved, December eight, eighteen hundred and forty.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act, as requires the assessors to give bond, be, and the same is hereby repealed.

Justices of
peace to as-
sess taxes.

Sec. 2. *And be it further enacted,* That the judge of the county court of said county is hereby required to appoint one of the justices of the peace in each beat of said county, whose duty it shall be to assess the taxes of their respective beats, according to the provisions of the above recited act.

Approved, April 27, 1841.

[No. 29.]

AN ACT

To compensate Elijah Hornburger.

Elijah Horn-
burger.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts, be authorized to issue his warrant on the Treasurer in favor of Elijah Hornburger, for the sum of five hundred and twelve dollars and fifty cents; being one half of the value of a negro man slave, named Jacob, the property of said Hornburger, who was executed in the county of Tuscaloosa, in the month of March last, under the sentence of the law.

Approved, April 27, 1841.

JOINT RESOLUTIONS AND MEMORIALS.

PREAMBLE AND JOINT RESOLUTIONS,

Of the General Assembly of the State of Alabama.

WHEREAS, it is provided in the second section of the fourth article of the constitution of the United States, that "a person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime:" and whereas, certain citizens of the State of New York have been duly charged, by affidavit, regularly made before a qualified magistrate of the Commonwealth of Virginia, with having feloniously stolen and carried away from that Commonwealth, a negro slave, the property of a citizen of Virginia, and have fled from justice, and taken refuge in the State of New York: and whereas, the executive authority of Virginia has repeatedly demanded of the executive authority of New York, the surrender and delivery of the persons thus charged; and the executive authority of New York has refused, in open violation of the constitution of the United States, and in utter disregard of public justice, to comply with this demand:

Be it therefore resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the conduct of the executive authority of the State of New York, in refusing to comply with the demand of the executive authority of Virginia, is a violation of that solemn constitutional compact to which all the States of this union voluntarily became parties—a disregard of public justice derogatory to the dignity of any State—an insult to the State of Virginia, and a dangerous and alarming attack upon Southern rights.

Be it further resolved, by the authority aforesaid, That we view the conduct of our sister State of Virginia, in her demand upon New York, and in the measure of self-defence and protection which she has subsequently resorted to, as being in strict conformity with the principles of the constitution, and as absolutely necessary for the security of those rights guaranteed to her by that sacred instrument: that during the whole progress of the controversy, she has been calm, temperate, dignified; making no appeal save to justice and the constitution—and inasmuch as we feel our interests to be identical with hers in the great question upon which she is at issue with New York, we will make common cause with her, and defend and support her in the stand she has taken.

Approved, April 27, 1841.

JOINT RESOLUTIONS,

Of the General Assembly concerning purchasers of Sixteenth Sections.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the cashier of the Bank of the State of Alabama, be authorized to deliver up the notes to E. K. Miller, or his legal representatives, given by him for the purchase of the southwest quarter and west half of the southeast quarter of section sixteen, township twenty-two, range three, west, situated in the county of Sumter, in the Tuscaloosa land district: *Provided however,* that the representatives of the said E. K. Miller, deceased, shall present to the said cashier, certified evidence that the contract between the said E. K. Miller, deceased, and the school commissioners for said land, specified as above, is by mutual consent, rescinded.

2. *Resolved,* That the provisions of this resolution be extended to embrace George Clanton, deceased, purchaser of southwest quarter, and west half of the southeast quarter of section sixteen, township twenty-two, range two, west, in the county of Sumter, in the Tuscaloosa land district.

3. *Resolved,* That the foregoing provisions of these resolutions be also extended to embrace the purchasers of the sixteenth section, of township fifteen, range eleven, in the county of Benton.

4. *Resolved,* That the foregoing provisions of these resolutions be also extended to embrace the purchaser or purchasers of the sixteenth section, in township nineteen, range one, east, in the county of Greene; and the purchasers of section sixteen, in township nine, range eight, in the Cahawba land district, in the county of Monroe.

Approved, April 27, 1841.

MEMORIAL AND JOINT RESOLUTIONS,

Of the General Assembly of the State of Alabama, in relation to a land district in the Cherokee Nation.

Your memorialists beg leave to represent to your honorable body, that the portion of the late Cherokee nation, which is in the State of Alabama, forms three entire counties, which are settled with a dense population, and very great inconvenience to the people, will be occasioned by attaching those counties, to any one or more of the land districts, now established in Alabama. Your memorialists, therefore ask, that a land office be established at some convenient point in one of the counties, in the late Cherokee purchase.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to pass a law in accordance with the foregoing memorial, as well as to reduce the minimum price of public lands.

Resolved, That the Governor be instructed to transmit a copy of the foregoing memorial and resolutions, to each of our Senators and Representatives in Congress.

Approved, April 27, 1841.

JOINT RESOLUTIONS,

In relation to the death of William Henry Harrison, late President of the United States.

Whereas, WILLIAM HENRY HARRISON, late President of the United States, has been cut off by an all-wise and inscrutable Providence, from further participation in the affairs of men—in the administration of which, the voice of his country had called him to the most honorable and responsible position known to the nations of the earth: and whereas, the bitterness of party strife, which marked the recent presidential canvass, had reference only to the political principles involved, or supposed to have been involved in that issue, and did not by any means apply to the person of the illustrious citizen, over whose grave the nation now mourns; and who, having ceased to animate or participate in the angry and stormy contests of the hour, has left his name, not to any particular party, but to his whole country. His deeds in the field, his virtues as a man, and his renown as a statesman, can no longer be regarded as belonging only to those whose political views accorded with his own, but have passed to the possession of his whole country; and like the lives and actions of all our other great and good citizens, is added to swell the sum of our national glory; and we mourn over him, not as the leader of a party, for as such we now express no opinion; but we lament the untimely death of the American President—not after the formal and ostentatious manifestations of grief, such as a bowed down and oppressed people are made to display when a satrap's mandate bids them mourn that one despot has been exchanged for another—for here, although no public act orders a marble obelisk to arise, inscription-tongued to speak the words of flattery and sycophantic praise to after times—yet we present what wealth could never buy, what power could never extort—what art can never imitate—the mighty and holy tribute of a nation's sorrow over the grave of an illustrious patriot: therefore,

Be it resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we unite with our country in bewailing the death of General WILLIAM HENRY HARRISON, late President of the United States; and that His Excellency the Governor, be requested to convey to the Widow of Gen. HARRISON an assurance of the sincere condolence of the State of Alabama, under the afflicting dispensation of Providence, which has marked her as chief mourner in a national visitation.

Be it resolved, That we will wear the usual badges of mourning for thirty days.

JOINT RESOLUTIONS,

Of the Legislature of the State of Alabama in General Assembly convened.

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to procure the establishment by law, of a line of stages from Talladega (via) Columbiana and Montevallo, to Centreville; and also another line from Macon, Georgia, to Mobile, Alabama, (via) Irwinton, Barbour county, semi-weekly.

And be it further resolved, That His Excellency the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

Approved, April 28, 1841.

DEPARTMENT OF STATE, }
TUSCALOOSA, Alabama, May 25, 1841. }

I certify that the foregoing Acts, Memorials and Resolutions, are correct and true copies of the original rolls in this office.

W. GARRETT,
Secretary of State.

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